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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,975	10/24/2000	Avi Nelson	VTZON-005XX	1367

207 7590 04/09/2004

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EXAMINER	
JAMAL, ALEXANDER	
ART UNIT	**PAPER NUMBER**
2643	5

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/694,975	Applicant(s) NELSON, AVI	
	Examiner Alexander Jamal	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Febuary 18, 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) *1,2 and 25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-24 and 26-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges that **claims 1,2,25** have been cancelled.

2. Examiner withdraws objections to **claims 14,15.**

3. Applicant's arguments with respect to **claims 3-24** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 26-30, 3-5, 7-24** rejected under 35 U.S.C. 102(b) as being anticipated by Kessler (4503288).

Concerning **claims 26-28,** Kessler discloses an alphanumeric keyboard 10 (Fig. 1) that is connectable to a telephone line (ABSTRACT). The keyboard is a full (comprising substantially all the English letters and decimal digits) alphanumeric keyboard (Col 1 lines 55-68) with each key uniquely assigned to an alphanumeric character. Each key may output either an alphanumeric-code signal or a telephone-dialing signal (Col 2 lines 5-15, 49-60). The telephone dialing signals are mapped to the keys. A particular dialing signal may be mapped to each

individual key (thus mapping each alphanumeric character to a dialing signal) (Col 10 lines 36-55). The device may operate in a first data mode (alphanumeric character output) or in a second telephone mode (dialing signal output).

Concerning **claim 3,** Kessler's keyboard is able to automatically enter second operating mode 'telephone mode' when the user has the handset in an off-hook condition and no connection to the telephone line has been established as in a standard 'ma-bell' phone (Col 2 lines 49-55). Once a connection has been established the keyboard may be operative to enter the first operating mode 'data mode' to allow the user to communicate with the host computer system (Col 10 lines 18-35).

Concerning **claim 4,** Kessler's keyboard is disposed within a common housing with a telephone device as seen in Fig. 1.

Concerning **claim 5,** Kessler's keyboard may enter said first or second operating modes in response to an indication from the user (Col 17 lines 13-34).

Concerning **claim 7,** Kessler's keyboard utilizes ASCII codes as the alphanumeric character codes (Col 2 lines 6-13).

Concerning **claims 8,11** Kessler's keyboard comprises display 36 (Fig. 1), memory (Col 8 lines 60-65), and microprocessor (Col 3 lines 19-24).

Concerning **claims 9,10,** In Kessler's keyboard, the display 36 (Fig. 1) is operable to display all incoming and outgoing data, which would include any telephone numbers or alphanumeric characters codes dialed out (generated on the telephone line) (Col 1 line 65 to Col 2 line 1).

Concerning **claim 12,** Kessler's keyboard is operable (in a third operating mode) to accept a message entered by the user via the keyboard keys, store the message in memory, and send out the message to the phone line while the keyboard is in the first mode of operation (Col 20 line 56 to Col 21 line 6).

Concerning **claim 13,** Kessler's keyboard is operable to automatically enter an 'on-hook' state when the local telephone device is in an on-hook condition, just like a standard telephone (Col 2 lines 49-55). While in the on-hook mode the keyboard is in the third mode of operation where alphanumeric characters may be entered in for dialing and messaging (Col 20 line 56 to Col 21 line 6).

Concerning **claim 16,** Kessler's keyboard comprises an interface to a printer (Col 2 lines 6-13).

Concerning **claim 17,** Kessler's keyboard is operative to accept and store a user-entered telephone number in memory, then dial a sequence of telephone numbers upon the user's request while the phone is in the second operating state (Col 10 lines 36-46).

Concerning **claim 18,** Kessler's keyboard is operable to receive a message on the line, store the message in memory, and display the message to the user upon request (Col 18 lines 25-35).

Concerning **claim 19,23,24** Kessler discloses that his keyboard operates in as a standard telephone, which inherently can dial dual-tone multi-frequency signals in order to be compatible with the existing telephone infrastructure.

Concerning **claim 20,** Kessler discloses that his keyboard operates as a standard telephone, which inherently can dial pulse signals in order to be compatible with the existing telephone infrastructure.

Concerning **claims 21,22,** Kessler's keyboard may have any keys (or sets of keys) assigned to any dialing signals (Col 10 lines 36-46). A telephone signal is generated in response to either the associated decimal digit (Col 2 line 55 to Col 6 line 5) or any assigned key.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 6,29-31** rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (4503288).

Concerning **claim 6,** Kessler's keyboard is operable to make operating mode indications via the use of a button or buttons. However, Kessler does not specify the use of a switch to make operating mode indications.

The examiner takes official notice that it is notoriously well known in the art that a switch may be used in lieu of a button. Based upon this information, it would have been obvious to one of ordinary skill in the art at the time of this application that either a button or switch could be used in making operating mode indications in order to provide the users with an easy method of inputting information to the keyboard.

Concerning **claims 29-31,** Kessler discloses applicant's claim 26. However, Kessler does not specify the keyboard being configured in standard 'qwerty' format or mapping the dialing signals in the conventional telephone mapping.

Kessler discloses that prior art telephone systems had their keyboards arranged in the standard 'qwerty' format (Col 1 lines 38-53). Kessler also discloses that the keyboard operates in a standard ma-bell mode (Col 2 lines 50-55). It would have been obvious to one of ordinary skill in the art at the time of this application to arrange the keys in a 'qwerty' format and map the

dialing signals to the same format as conventional 'ma-bell' telephones for the advantage that the keyboard and telephone interface are more familiar to users accustomed to conventional keyboards and telephones.

8. **Claims 14,15** rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (4503288) as applied to claims 26 and 11, and further in view of Flipeaux (5671268).

Consider **Claim 14,** Kessler discloses applicant's claims 26 and 11. However, Kessler does not disclose that the keyboard may record a message from the user, and deliver that message to a caller identified as the intended recipient.

Flipeaux teaches a telephone system that records a message from the user, and plays it back to a specific caller after that caller has been identified (ABSTRACT). He teaches that the system will allow users to relay messages to callers when the user may not be able to directly contact the caller (Col 1 lines 40-65). It would have been obvious to one of ordinary skill in the art at the time of this application to implement the messaging system on Kesslers keyboard for the advantage of the user having a greater capability of getting specific messages to specific callers.

Consider **Claim 15,** Flipeaux's system is operative to maintain a record of incoming calls (the caller's message) and is operative to provide the record to the user (Col 3 line 53 to Col 4 line 25).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
April 1, 2004

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
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